

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:17-cv-00128-MR-DLH**

HOWARD J. FOSTER,

Plaintiff,

vs.

**CARROLS CORPORATION d/b/a
BURGER KING, REBECCA
ROBERSON, LORI SCHLUTOW,
and CARL MORELAND,**

Defendants.

ORDER

THIS MATTER is before the Court on the Defendants' Status Report [Doc. 12].

The Court entered an Order on February 2, 2018, directing the parties to arbitrate their dispute in accordance with the Agreement for Resolution of Disputes Pursuant to Binding Arbitration Between Carrols Corporation and Howard Foster dated June 14, 2016. [Doc. 11]. The Court further directed the parties to file a report with the Court every ninety (90) days to advise the Court of the status of the arbitration. [Id.].

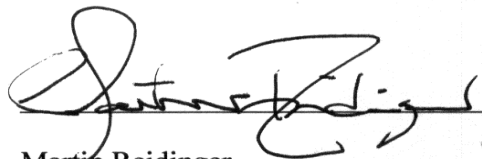
The Defendants filed a Status Report on May 3, 2018, advising that since the entry of the Court's Order, the Plaintiff has taken no steps to initiate

an arbitration of his claims. [Doc. 12 at 1]. The parties' agreement, however, provides that *either* Carrols Corporation or the Plaintiff may commence arbitration proceedings providing a written request for arbitration to JAMS. [See Doc. 4-1 at 7]. If the Plaintiff is not going to initiate arbitration proceedings, it is incumbent upon the Defendants to do so.

IT IS, THEREFORE, ORDERED that, within thirty (30) days of the entry of this Order, the Defendants shall commence arbitration by providing a written request for arbitration to JAMS in accordance with the parties' agreement.

IT IS SO ORDERED.

Signed: May 15, 2018


Martin Reidinger
United States District Judge

